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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,490	04/12/2004	Douglas R. Sanqunetti	14012-022002/50-02-005A	3029

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FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,490

Applicant(s)

SANQUNETTI, DOUGLAS R.

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/9/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The preliminary amendment filed on April 12, 2004 has been entered. By this amendment, claims 1-22 have been canceled, claims 23-42 have been added and claims 23-42 are now pending in the application.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 23-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,721,652 (patent '652 hereinafter). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 23-42 disclose similar subject matter taught in claims 1-22 of patent '652 with at least claims 23, 32, and 40 disclose the subject matter of claims 1, 8, 17 of patent '652 in much broader scope by eliminating rotating the boundary of the set of coordinates of the mobile device before comparing the rotated set of coordinates to the rotated boundary within a coordinated system. Further limitations concerning departure of the mobile device, etc in claims 29-32, 38, etc would have been both well known and obvious.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-28, 32-33, 35-37, 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 6,581,005) in view of Link et al (US 5,270,937).

As per claim 23, Watanabe teaches a method for monitoring a mobile device. The method comprises: defining a route using a plurality of polygons (fig.8; col.18, lines 16-29; col.22, lines 17-21); identifying a set of polygons associating with a particular location of a monitored device and determining the location of the monitored device with respect to the route

(col.19, lines 10-14, 23-30; col.22, lines 22-24). Watanabe does not explicitly teach using coordinates to represent the location of the mobile device, and comparing the coordinates with the polygons to determine the location of the device. However, Watanabe teaches using GPS or position sensor for detecting the location of the mobile device (col.22, lines 63-66; col.22, lines 4-16), further, representing location of a mobile device in a coordinate system from the data received from the GPS would have been well known. Moreover, Link teaches determining the relation between a coordinate with a polygon by comparing the coordinates of the polygon with the location coordinates (col.6, lines 48-52). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use coordinates to represent the location of the mobile object and to compare the coordinate to the coordinates representing the polygons of Watanabe as suggested by Link in order to facilitate determining the polygons that are closest to the mobile device.

As per claim 24, Watanabe teaches overlapping polygons (col.18, lines 24-27).

As per claim 25-28, refer to claim 23 above. Further, representing the polygons as rectangle with two sets of coordinates, sequentially matching the position to the selected polygons until a polygon that encloses the position location would have been well known.

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As per claim 32-33, 35-37, 39-42, refer to claims 23, 25-28 above. Further, with respect to claim 33, including a locator, a memory, and a processor to the monitor device would have been well known.

5. Claims 29-31, 34, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 6,581,005) in view of Link et al (US 5,270,937) and further in view of Klein (US 5,541,845).

As per claim 29-30, 38, refer to claim 1 above. Further Klein teaches identifying departure from the route if the polygons do not enclose the position coordinate of the monitoring device (abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to identify a departure of the route when none polygon of Watanabe contains the position of the object as taught by Klein in order to facilitate determining rerouting to a planned route. Further, initiating a response such as a warning or a recalculation of a navigation route to a destination would have been well known.

As per claim 31, 34, Klein teaches wirelessly transmitting the departure notification to a station (col.4, lines 49-53; col.13, lines 9-15).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451

Crystal Drive, Arlington. VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1111.



THU V. NGUYEN
PRIMARY EXAMINER
August 4, 2004